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6 Attorney for Defendant
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8

9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
11

12 CORY SPENCER, an individual;
13 DIANA MILENA REED, an
individual; and COASTAL
14 PROTECTION RANGERS, INC., a
California non-profit public benefit
15 corporation;

Plaintiffs,

16 v.

17 LUNADA BAY BOYS; THE
18 INDIVIDUAL MEMBERS OF THE
LUNADA BAY BOYS, including but
19 not limited to SANG LEE, BRANT
BLAKEMAN, ALAN JOHNSTON
20 aka JALIAN JOHNSTON, MICHAEL
RAE PAPAYANS, ANGELO
21 FERRARA, FRANK FERRARA,
22 CHARLIE FERRARA, and N.F.;
CITY OF PALOS VERDES
23 ESTATES; CHIEF OF POLICE
JEFF KEPLEY, in his representative
24 capacity; and DOES 1 – 10,

25 Defendants.
26
27
28

Case No. 2:16-cv-02129-SJO (RAOx)

Hon. Rozella A. Oliver

DECLARATION OF ATTORNEY J.
PATRICK CAREY RE SERVICE OF
SUPPLEMENTAL RESPONSES AND
DOCUMENTS IN RESPONSE TO
PLAINTIFF COREY SPENCER'S
MOTION TO COMPEL
PRODUCTION OF DOCUMENTS
FROM DEFENDANT ALAN
JOHNSTON

Hearing Date: December 7, 2016

Hearing Time: 10:00 a.m.

Location: Courtroom F, 9th Floor

1 I, J. Patrick Carey, hereby state and declare:

2 1. I am an attorney duly admitted to practice law in the State of
3 California and before this Court. I am the attorney of record for Defendant
4 Alan Johnston. I have personal knowledge of the matters set forth herein
5 such that I could and would competently state as follows under oath.

6 2. On November 29, 2016, I e-mail served all counsel in this matter
7 with Supplemental Responses (without objections) to Plaintiff's First
8 Request for Production of Documents, and along with that e-mail service, I
9 also served all counsel with 101 pages of my client's cell phone records and
10 a page of text messages. Attached hereto as Exhibit 1 are true and correct
11 copies of my emails to all counsel and the Supplemental Responses.

12 3. On October 20, 2016, I had a meeting with Plaintiff's counsel,
13 Victor Otten, regarding these discovery issues. I indicated to him my desire
14 that all parties enter into a stipulated protective order prior to turning over
15 these documents, but the parties were not able to reach a stipulated order.

16 4. The cell phone records date back to June of 2015 and contain
17 information regarding hundreds, if not thousands, of third parties.

18 5. After the October 20, 2016 meeting, I became engaged in a
19 lengthy criminal jury trial, in which my client was facing a potential life
20 sentence. That trial consumed my time and did not end until November 28,
21 2016, when my client was acquitted.

22 6. Hours after the trial concluded on November 28th, I worked on
23 the Supplemental Responses, and as I indicated above, I produced those
24 Supplemental Responses and documents on November 29th.

25 7. Preparing the documents for production took some time. Mr.
26 Johnston's records were part of a joint account held by Mr. Johnston's
27 parents. Mr. Otten had no issue with me redacting out Mr. Johnston's
28

1 parent's information, which took some time.

2 8. I have now produced all documents that I have been given
3 responsive to the Plaintiff's document requests.

4 9. I believe this matter is now resolved and I respectfully request
5 that no sanctions be issued. As indicated above, I had hoped that all
6 parties in this action would enter into a stipulated protective order regarding
7 discovery, but that did not happen, then I became involved in a lengthy life-
8 sentence criminal trial which only recently ended, and I needed to prepare
9 these documents for production. I served the Supplemental Responses,
10 without objections, and produced all responsive documents that I have
11 immediately thereafter.

12
13 I declare under penalty of perjury under the laws of the United States
14 of America that the foregoing is true and correct.

15 Executed on November 30, 2016, at Manhattan Beach, California.

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17
18 /s/ J. Patrick Carey

19 J. Patrick Carey

20 Attorney for Defendant Johnston
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Spencer v. Lunada Bay Boys, et. al.

Case No. 2:16-cv-02129-SJO-RAO

Exhibit 1



Pat Carey <pat@patcareylaw.com>

Spencer et al - Defendant Johnston Supplemental Response

Pat Carey <pat@patcareylaw.com>

Tue, Nov 29, 2016 at 2:12 PM

To: "Hewitt, Antoinette P." <Antoinette.hewitt@kutakrock.com>, Caroline Lee <cllee@hansonbridgett.com>, Dana Alden Fox <dana.fox@lewisbrisbois.com>, dmcrowley@boothmichel.com, "Richards, Edwin J." <Ed.richards@kutakrock.com>, "Edward Ward, Jr." <Edward.ward@lewisbrisbois.com>, Eric Kizirian <eric.kizirian@lewisbrisbois.com>, "Song, Jacob" <Jacob.song@kutakrock.com>, John Worgul <jworgul@veatchfirm.com>, Kavita Tekchandani <kavita@ottenlawpc.com>, "Kurt A. Franklin" <kfranklin@hansonbridgett.com>, "Landon D. Bailey" <lbailey@hansonbridgett.com>, "Laura L. Bell" <lbelle@bremerwhyte.com>, "Mark C. Fields" <fields@markfieldslaw.com>, Patrick Au <pau@bremerwhyte.com>, Peter Crossin <pcrossin@veatchfirm.com>, Peter Haven <Peter@havenlaw.com>, "Richard P. Dieffenbach" <rdieffenbach@veatchfirm.com>, "Wilson, Rebecca L." <Rebecca.wilson@kutakrock.com>, Rob Mackey <rmackey@veatchfirm.com>, "Cooper, Robert S." <rcooper@buchalter.com>, Samantha Wolff <swolff@hansonbridgett.com>, Tera Lutz <tera.lutz@lewisbrisbois.com>, "Thomas M. Phillips" <tphillips@thephillipsfirm.com>, Tyson Shower <tshower@hansonbridgett.com>, Victor Otten <vic@ottenlawpc.com>

Dear Mr. Otten, Mr. Franklin, and Ms. Wolff:

Attached are supplemental responses to Plaintiff's first request for production of documents to Defendant Johnston. Also attached are the responsive documents which include 101 pages of cell phone records as well as one page depicting text messages.

I apologize for any delay as I was engaged in a criminal jury trial where my client was looking at life in prison. The trial began Nov. 9th and concluded yesterday, Nov. 28th.

I have cc'd all counsel of record on this email.

Thank you,

Pat Carey

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Johnston Cell Records.pdf

2 attachments



Johnston Supplemental Reply to Plaintiff Document Demands.pdf

224K



Johnston Text Messages.pdf

193K